

Appl. No. 10/674,074
Amdt. dated Sept. 29, 2006
Reply to Office Action of April 26, 2006

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 USC § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendment

A single amendment has been made to correct a minor inadvertent grammatical error that remained in the specification.

Status of claims

Independent claims 14 and 26 have each been amended to more precisely define the invention recited in these claims than previously.

Dependent claims 16, 17 and 20-22 have each been slightly amended.

No claims have been added or canceled.

Rejections under 35 USC § 103

A. Claims 14, 15 and 26

The Examiner has rejected independent claims 14 and 26, and dependent claim 15 under the provisions of 35 USC § 103 as being obvious over the teachings of the Takatori et al application (United States published patent application 2003/0078844 published on April 24, 2003) taken in view of those in the Rowe application (United States published patent application 2005/0021458 published on January 27, 2005). With respect to all these claims, as they now stand, this rejection is respectfully traversed.

Specifically, the Examiner takes the position that the Takatori et al application teaches a service accounting system and associated method and particularly the concept that a user can maintain a plurality of billing accounts with a main account that has been designated to be charged. The Examiner also notes that that application teaches that the user can charge directly to the main account, and each of the service accounts has a classification and can be charged in accordance with a call designation which has been assigned to that service account. The Examiner recognizes that the Takatori et al application fails to clearly teach the feature of transferring funds from the main account to a plurality of service accounts. Given this omission, the Examiner turns to the Rowe application for its apparent teachings of a financial system through which payments can be made to each of a number of suppliers for its bills. With these teachings in mind, the Examiner then concludes that it would have been obvious to one of skill in the art

to incorporate the feature of transferring funds from the main account to the plurality of accounts, as taught by the Rowe application, into the system taught by the Takatori et al application and thus arrive at the present invention.

As the Examiner will soon appreciate, his view is incorrect.

The Takatori et al application discloses a billing system through which a user can charge the cost of a purchase to a desired one of a number of different accounts. This system relies on a portable terminal device which may be a card, personal digital assistant (PDA) or a mobile telephone. In particular and as discussed in, e.g., paragraph 12 on page 1 and paragraph 49 et seq on page 3, the device stores a customer identification (ID). To undertake a transaction, a user first inserts or otherwise couples his(her) portable terminal device 1 to point of sale (POS) terminal 2. The device may also store information concerning a particular billing account to which the user desires to charge. The POS terminal accesses the customer ID and stored billing information from the device. The terminal then transmits the ID and billing information, together with an amount to be charged, to control server 3. The server, in turn, routes all this information to billing server 4 which charges the amount of the purchase to the user-specified account. Billing server 4 may itself be constituted by one or more individual servers. In a variant of the system as shown in FIG. 2, system 1 may also include display device 13, through which a list of possible billing accounts may be displayed, and input means 14, through which the user, as indicated in paragraph 73 on page 4, can select

a particular billing account to use from amongst those displayed and provide other input information.

As noted and of relevance to the present invention, a mobile telephone may serve as the portable terminal device. In that case and as indicated in paragraph 28 on page 2, the goal of such a system is to permit a telephone user to charge the cost of a mobile telephone call to one of a number of different accounts which the user has established. Specifically, in conjunction with the embodiment shown in FIG. 6 and discussed in accompanying paragraph 112 et seq on page 7, mobile telephone 71 stores a number of different destination telephone numbers. When a user makes a call, the telephone transmits information to mobile telephone communication system 72 concerning a group to which the destination telephone number belongs. System 72 passes this information to control server 3A (described as being similar to server 3) which, in turn, identifies the user from the mobile telephone number of telephone 71 and determines a billing account, based on the group information, to which the cost of the call is to be charged.

What the Examiner must keep in mind is that while the user can charge a call to any one of various accounts, each of these accounts is apparently associated with the identical telecommunications service: a mobile voice call. What the different accounts provide to the user is the ability of the user to segregate the charges based on the nature of each call, i.e., business, personal, etc. This is clearly evident in paragraph 122 on page 8 which expressly states:

"As charged in the above-described way, for example, a destination telephone number to call on business is set to belong to a first group and a destination telephone number to call for private purpose to a second group in advance, and billing accounts for the first group and the second group are separated." [emphasis added]

and in paragraph 131 on page 8 which expressly states, in pertinent part:

"...the mobile telephone 71 stores a telephone number A and a telephone number B by relating them to a group "business" and also stores billing account information C of a billing account to charge a business cost by relating it to a group "business". Then, when a telephone call is made to the telephone number A, the mobile telephone 71 transmits the billing account information C which is related to the group "business", of the telephone number A."

The Rowe application, to the extent relevant, also discloses a payment system through which a user can maintain a plurality of different accounts. Through this system, the user first establishes, as indicated in on page 3, paragraph 37 et seq of that application, an account through an account provider, such as a financial institution or retailer. The account can be a customer debit, charity debit, promotional or allowance account. As indicated in paragraphs 41-45 on pages 3-4, a debit account is credited with funds owned by the customer and through which the customer can have the cost of any purchase debited from the funds in the account. The customer can transfer funds into and out of this account. A charity debit account only permits the customer to transfer funds from the account to a charity or similar entity, with (given certain exceptions)

no other debits permitted. Through a promotional account, a customer, who is a promoter, can allow the account to be used by selected individuals, such as customers or potential customers of a given store, in accordance with the terms of a given promotion then being offered by the promoter (e.g., for the first 1000 customers, the promoter will pay \$ 10 on all customer charges greater than \$ 20; hence, in each instance, an associated promotional account will be debited \$ 10). Lastly, an allowance account permits funds to be periodically credited to the account (such as by a parent) and drawn down by its user (e.g., a child).

As the Examiner correctly recognizes and specifically as indicated in page 7, paragraph 101 et seq, the customer may transfer a monetary amount among his(her) accounts.

Again, here too, as with the system taught by the Takatori et al application, all the user accounts are directed to one common, general purpose: to support financial transactions of one form or another. As taught in the Rowe application, the different accounts for any given user simply have different operating terms and are directed to differing payees.

In sharp contrast to the teachings of both the Takatori et al and Rowe applications, the present invention is directed to a service accounting system for use in a telecommunications system where a user has several different service accounts, with each service account being associated with a different telecommunications service. As discussed in page 5, line 27 et seq of the present specification, each

user is provided with a main account and, for each different charge-based telecommunications service to which that user has subscribed, a corresponding service account. A subscriber can establish a credit in his(her) main account and then transfer any portion of that credit to each of his(her) associated service accounts. The charge for using each service is then paid from the balance then existing in the corresponding service account. This balance may be monetary or some other quantity having an equivalent monetary value, such as kilobytes of data in the case of an account for a data transport service. Each of the different services has an associated classification. In addition, for each user, each of his(her) service accounts also has a priority value which instructs the accounting system as to how the service accounts are to be prioritized and specifically what actions are to be taken in the event the user has, e.g., insufficient funds on deposit in one or more of the accounts to cover the corresponding telecommunication services which the user then requests. See, e.g., page 8, line 18 et seq of the present specification.

Prior to the invention, conventional payment approaches for telecommunications services relied on a user remitting payment for all his(her) telecommunications services from a single main account. See, e.g., page 1, line 25 et seq of the present specification. Unfortunately, if that one account had an insufficient balance, then the user was precluded from using any of his(her) services, even including accessing that account in order to recharge its balance. This proved to be rather frustrating to users.

What is sorely missing from the art -- and which the present invention advantageously provides -- is the ability for a user to have control over each of his(her) individual services in terms of what specific service the user is providing payment and, for telecommunications carriers to have the ability to control which specific actions are to occur whenever the balance for a particular service for that user reaches a predefined limit.

Neither the Takatori et al nor the Rowe applications contains any teachings whatsoever directed to the provision of different telecommunication services and specifically the manner through which charges are to be made by a common user for each such service. The Takatori et al application merely addresses, to the extent relevant, one common type of telecommunications service across all of its billing accounts: mobile telephone calls, with charges being differentiated based on the destination or type of call. The Rowe application merely addresses different financial transactions, by payee and account restriction, and has no disclosure whatsoever regarding telecommunications services.

As such, should, as the Examiner posits, the teachings of the Rowe application be combined with those of the Takatori et al application, then the resulting payment system would necessarily be limited, by the express teachings in the latter application, to a payment system that, for any one user, accommodates only one common telecommunications service, specifically mobile telephone calls, with different payment accounts being established for different types of those calls. The resulting system would, as taught by the Rowe application, permit the user to

transfer a monetary amount from one of his(her) accounts to another so that the user can better allocate his(her) funds on deposit to the specific type of calls (s)he is then making, e.g., favoring business calls over personal calls or vice versa.

However, these combined teachings are totally silent on the problem of how multiple telecommunications services are to be accounted for a common user, let alone the inventive solution which the present Applicants now provide and claim. Thus, these teachings fall way short of suggesting the present invention, whether explicitly or implicitly, to one skilled in the art.

Hence, it has remained for the present Applicants and only those Applicants to solve this problem in the art.

The Applicants have now amended claims 14 and 26 to clarify their present invention by reciting that each service account has a classification, with first and second ones of the service accounts being associated, through their respective classifications, with a data transportation service and a content access service. With this in mind, independent apparatus claim 14 recites as follows, with these and other distinguishing recitations shown in a bolded typeface as follows:

"A service accounting system comprising a plurality of service accounts associated with a user, **each of the service accounts having a classification associated with a corresponding service, wherein first and second ones of the service accounts have said classification associated respectively with a data transportation service and a content access service,**

the service accounting system being connected to a main accounting system comprising a main account associated with the user, a predetermined part of the main account being transferable to any one of the service accounts, and said part of the main account being predetermined through use of the classification associated with said any one service account." [emphasis added]

Similar distinguishing recitations appear in independent method claim 26.

Given this, the Applicants submit that neither claim 14 nor claim 26 is rendered obvious by the teachings in the Takatori et al or Rowe applications, regardless of whether those teachings are taken singly or in any combination including that posed by the Examiner. Thus, claims 14 and 26 are patentable under the provisions of 35 USC § 103.

Claim 15 directly depends from claim 14 and recites further distinguishing aspects of the present invention over those recited in the latter claim. Accordingly, the Applicants submit that claim 15 is also not rendered obvious by the teachings in Takatori et al and Rowe applications for the exact same reasons set forth above with respect to claim 14. Thus, claim 15 is also patentable under the provisions of 35 USC § 103.

B. Claims 16 and 17

The Examiner has rejected dependent claims 16 and 17 under the provisions of 35 USC § 103 as being obvious over the teachings of the Takatori et al application taken in view of those in the Rowe application and the Wallenius

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patent (United States patent 6,760,417 issued to J. Wallenius on July 6, 2004). This rejection is also respectfully traversed.

Here, the Examiner notes that while the Rowe application teaches the use of "allowance" accounts through which funds are automatically transferred at predetermined intervals from a main account, that application fails to teach the feature of transmitting a recharging request to the main accounting system as needed. This feature, the Examiner opines, is taught in the Wallenius patent. The examiner also believes the feature recited in claim 17, i.e., that the recharging request is transmitted whenever the balance in a service account reaches a predetermined minimum level, is also taught by the Wallenius patent. Thus, based on these three applied references, the Examiner concludes that the invention recited in these two dependent claims would be obvious to one skilled in the art.

Here too, the Examiner's view is incorrect.

As the Applicants discussed in their prior amendment mailed March 14, 2006, the '417 Wallenius patent is directed to a scheme for charging for prepaid telecommunications services on a real-time basis. This scheme finds particular use in a GPRS (General Packet Radio Service) packet network. Conventionally speaking, a GPRS network contains GPRS support nodes (also known as "packet data service nodes") that are each connected to a GSM mobile network so as to provide packet data service to mobile terminals through several base stations, i.e., cells. The GSM network provides access to other networks, such as a

public switched network. See, e.g., col. 1, line 13 et seq of this patent. Within the GPRS network, user charges are made through a series of charging records (CDR) which are generated at the support nodes and then transmitted to a charging gateway functionality (CGF). The gateway then effectively filters the charging data and transmits filtered charging records to a billing system which, in turn, generates actual charging data. As indicated in col. 1, line 37 et seq, this conventional approach has a serious problem: generating the charging data has tended to be a rather slow process. Real-time charging has proven necessary to avoid situations where a subscriber could continue to use a prepaid service even though the amount of money, which that subscriber had prepaid for that service, had already been exhausted. Approaches aimed at solving this problem include sending filtered charging data directly from the charging gateway functionality to a billing unit, or data concerning GPRS context events could be sent from the support nodes to the billing unit with charging then being based on context events. Unfortunately, these conventional approaches are also problematic: the data involved is complex and presumably a large amount of data could result, and also, of heightened concern, network-specific charging methods, for the same service, may differ from one support node to the next thus causing incompatibilities. As a result of such incompatibilities, different events taking place during a call -- particularly if that call transits from a local network through a foreign network(s) -- can disadvantageously produce different impacts on charging, depending on the network operator, or no impact at all, thereby leading to erroneous charges. Such events include changes in: quality of service (QoS)

provided, transmission rate, and/or location; temporary entry into a shadow region, temporary cutting off of a subscriber connection and changes during an ongoing call in the service then being used by the subscriber.

The invention disclosed in the '417 Wallenius patent attempts to overcome the incompatibilities and facilitate real-time call charging by, as indicated in col. 2, line 33 et seq, converting event or charging data received from the support nodes into a real-time, unambiguous (universal) data format that is understandable to the subscribers' billing unit, i.e., use of a universal data format. Thus, each billing unit needs to know the one universal format. This patent defines, in col. 2, line 23 et seq, that unambiguity means that "charging data are structurally identical in the different telecommunications networks, irrespective of the internal charging algorithms of the networks." Through use of a universal data format, a service can apparently and advantageously be charged on a real-time basis.

To implement this approach, the '417 Wallenius patent, in col. 5, line 3 et seq, relies on placing mediator 14 (M-SCF) between two support nodes 11 and 12. Information, from the support nodes about different context events 21-25 related to the service then being used by a subscriber, are provided by these nodes to the mediator. As discussed in col. 4, line 51 et seq, the context events apparently define different aspects of the service, such as mobility management (MM) context event 21 which is created when a subscriber registers in the GPRS network, containing information relating to mobility and security of the

subscriber. Packet data protocol (PDP) events 22 and 23 are created by Serving GPRS support node (SGSN) 11 for routing purposes, with the PDP context determining different data transmission parameters, such as PDP type (e.g., X.25 or IP), PDP address, QoS and others. As indicated in col. 4, line 64 et seq, PDP contexts 24 and 25 provide address and routing information of GPRS subscribers. The routing information is used for tunneling protocol data.

The mediator converts, in real-time, the information received from the MM and PDP context events 21-25, by applying charging algorithms of the network, into unambiguous charging data, expressed as, e.g., an amount of money or charging pulses.

Now, what happens with this charging data? For prepaid services and as discussed in col. 5, line 66 et seq, billing unit 15 has a prepayment account for a subscriber into which that subscriber can make a prepayment for any or those services. Based on the information it receives from the mediator, the billing unit simply debits the prepayment account with the amount of a prepaid service which has been consumed by the subscriber. If, as indicated in col. 6, line 4 et seq, the amount of money in the prepayment account for the subscriber has been exhausted, then the billing unit so informs the packet network which, in turn, prevents the subscriber from using any more of the prepaid services, such as by deactivating contexts 21-25 in support nodes 11 and 12 and associated with that subscriber.

Alternatively, as correctly recognized by the Examiner and as specifically noted in col. 6, line 10 et

seq, the mediator may request the billing unit to place a predetermined amount of money into the prepayment account and from which the mediator can then subtract an amount corresponding to the amount of a prepaid service which the subscriber has then consumed, hence recharging the prepayment account. Should the subscriber deactivate the service with a positive balance left for that service, then the billing unit can simply transfer that balance back into the prepayment account.

Note that while there are multiple charging functions in the network, i.e., by each support node, all the charges are only made from ONE prepaid account.

This unitary account approach is discussed by the Applicants on page 1, line 25 et seq of the present specification wherein the Applicants note that the prior art teaches that if multiple services are being provided, then the charges for all those services are debited from a single common (unitary) prepaid account.

The '417 Wallenius patent simply does not mention, much less address, the problem which the Applicants invention is directed and advantageously solves: the need to segregate telecommunication services into different service accounts so that each subscriber can exercise sufficient control over what (s)he has paid for each individual service and telecommunication service providers can take a specific action when the balance in an account for that particular service reaches a predetermined limit.

Hence, should the teachings of the '417 Wallenius patent be included with the combined teachings of the Takatori et al and Rowe applications, as the Examiner proposes, then the deficiencies inherent in the latter two applications would still remain. A user would still be unable to segregate charges for each different telecommunications charge (s)he uses into different accounts and, by doing so, control what that person has paid for that service. Also, telecommunication service providers would be unable to take service-specific actions whenever a balance for any given service reaches its limit.

Hence, the Applicants submit that, for the same reasons set forth above regarding the teachings of the Takatori et al and Rowe applications, independent claim 14 is not rendered obvious by the additional teachings provided in the '417 Wallenius patent.

Each of claims 16 and 17 depends, either directly or indirectly, from claim 14 and recites further distinguishing aspects of the present invention over those recited in claim 14. Accordingly, the Applicants submit that claims 16 and 17 are not rendered obvious by the teaching in the three applied references for the same reasons set forth above with respect to claim 14. Thus, these two dependent claims are also patentable under the provisions of 35 USC § 103.

C. Claim 18

The Examiner has rejected dependent claim 18 under the provisions of 35 USC § 103 as being obvious over the

teachings of the Takatori et al application taken in view of those in the Rowe application and the Hidem et al patent (United States patent 5,749,052 issued to S. E. Hidem et al on May 5, 1998). This rejection is also respectfully traversed.

As to this rejection, the Examiner notes that the Takatori et al and Rowe applications do not teach, as recited in claim 18, that a recharging request is transmitted at a predefined point in time. As such, the Examiner turns to the '052 Hidem patent as teaching this feature. Consequently, based on these three applied references, the Examiner concludes that the invention recited in claim 18 would be obvious to one skilled in the art.

Here too, the Examiner's view is incorrect.

As the Applicants discussed in their prior amendment mailed March 14, 2006, the '052 Hidem et al patent teaches a controller, for use in a pre-paid cellular telephone, which contains memory for storing call rate information. As indicated in col. 1, line 66 et seq and col. 7, line 46 et seq of that patent, the controller determines an amount of currency to charge for each call based on the duration and rate for that call. The Examiner is quite correct in noting that this patent teaches, in col. 13, line 46 et seq, the concept of automatically updating the telephone with additional credit, i.e., recharging it, at predefined points in time, such as daily, weekly, monthly and so forth.

However, these teachings in the '052 Hidem et al patent have no bearing whatsoever on charging for services in any manner other than through a unitary account -- which, as the Applicants specifically note in their application, was taught by prior art. All that would result from combining the teachings in the '052 Hidem patent with those provided by the Takatori et al and Rowe applications would be that all charges for all telecommunications services would be made through a unitary account that would simply be replenished with additional funds on an automatic periodic basis. A cellular telephone system that employs such a resulting combination would clearly be no closer to remedying the above-discussed deficiency inherent in the Takatori et al and Rowe applications -- a deficiency which the present Applicants solve -- than the teachings of those two applied applications themselves. Consequently, those combined teachings flowing from these three applied references would also stop well short of the present invention, just as do the teachings in the Takatori et al and Rowe applications.

Hence, the Applicants submit that, for the same reasons set forth above regarding the teachings of the Takatori et al and Rowe applications, independent claim 14 is not rendered obvious by the additional teachings provided in the '052 Hidem patent.

Claims 18 directly depends from claim 14 and recites further distinguishing aspects of the present invention over those recited in the latter claim. Accordingly, the Applicants submit that claim 18 is not rendered obvious by the teaching in the three applied

references for the same reasons set forth above with respect to claim 14. Thus, this dependent claim is also patentable under the provisions of 35 USC § 103.

D. Claims 19-25

Lastly, the Examiner has rejected dependent claims 19-25 under the provisions of 35 USC § 103 as being obvious over the teachings of the Takatori et al application taken in view of those in the Rowe application and the Masuda application (United States published patent application 2003/0078031 published on April 24, 2003). This rejection too is respectfully traversed.

Regarding this rejection, the Examiner notes that the Takatori et al and Rowe applications do not teach, as recited in claim 19, that a recharging request is transmitted via an end user request. In light of this, the Examiner turns to the Masuda application as disclosing this feature. The Examiner also believes that the Masuda applications teaches the features recited in each of claims 20-25. Consequently, based on these three applied references, the Examiner concludes that the invention recited in each of claims 19-25 would be obvious to one skilled in the art.

In particular, the Masuda application is directed to a communication system that provides pre-paid communication services. This application, broadly speaking, and as noted on, e.g., page 1, paragraph 14; page 2, paragraphs 37-40; and page 7, paragraph 126 thereof, teaches the concept of calculating an amount, from a pre-payment,

that is to be allocated to each service, either based on a service request from a user -- as the Examiner recognizes -- or on receipt of registration information from that user, such that various services can be simultaneously provided to that user in accordance with the allocation. This patent application also teaches various specific concepts relating to which services are to be provided or not if the balance is not adequate to cover all the requested services.

The Masuda application, just like conventional approaches including that taught in the '417 Wallenius patent, relies on using a unitary account to hold a pre-payment balance. There are no separate service accounts in the system taught by the Masuda application into which the user can transfer desired prepayments for each corresponding service and/or examine an amount then available in each such account for the corresponding service.

All that would result from combining these teachings with those provided by the Takatori et al and Rowe applications would be that all charges for all telecommunications services would be made through a unitary account that would simply be replenished with additional funds on an user-initiated basis, either by a specific request from the user or upon user registration. The resulting approach simply does not allow the user to monitor and control his(her) use of each individual service, including when to replenish a prepaid balance for that service. A cellular telephone system that employs such a resulting combination would clearly be no closer to remedying the above-discussed deficiency inherent in the

Takatori et al and Rowe applications -- a deficiency which the present Applicants solve -- than the teachings of those two applied applications themselves. Consequently, here too, those combined teachings flowing from these three applied references would also stop well short of the present invention, just as do the teachings in the Takatori et al and Rowe applications.

Furthermore, since the Masuda application contains no disclosure whatsoever, whether express or implied, concerning use of separate service accounts with corresponding classifications as a mechanism to permit telecommunications subscribers to differentiate amongst their different subscribed services and only teaches use of a "unitary" account, then any one skilled in the art, when faced with the teachings of this patent -- whether taken in combination with those in the Takatori et al and Rowe applications or not, would just not be led to the present invention.

Hence, the Applicants submit that, for the same reasons set forth above regarding the teachings of the Takatori et al and Rowe applications, independent claim 14 is not rendered obvious by the additional teachings provided in the Masuda application.

Each of claims 19-25 depends, either directly or indirectly, from claim 14 and recites further distinguishing aspects of the present invention over those recited in claim 14. Accordingly, the Applicants submit that each of dependent claims 19-25 is not rendered obvious by the teaching in the three applied references for the same

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reasons set forth above with respect to claim 14. Thus, all these dependent claims are also patentable under the provisions of 35 USC § 103.

Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is obvious under the provisions of 35 USC § 103.

Consequently, the Applicants believe that all their claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

September 29, 2006



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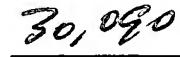
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